

Serial No. 10/691,819 – Barbara A. Tooman
Art Unit: 3634 -- Attorney Docket 783.001
Response to October 31, 2006 Office Action
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REMARKS

Claims 1-20 are currently pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the remarks that follow.

1. Claim Rejections Based on Prior Art

a. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner has rejected of claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by Smith U.S. Patent No. 3,154,822 (the '822 patent).

Applicant respectfully traverses the Examiner's rejection of claims 1-19 based on the '822 patent. More specifically, each independent claim, namely, claims 1, 11 and 19 require an outer frame, a middle frame and an inner frame with a first pivoting mechanism secured between two of the frames and operable to pivot one frame with respect to the other frame in a first direction, and a second pivoting mechanism secured between the movable frame and the remaining frame not secured to the first mechanism that is operable to pivot and slide the remaining frame in a second direction that is generally perpendicular to the first direction.

In contrast, the '822 patent includes an outer frame, a middle frame and an inner frame secured to one another by a pair of pivoting mechanisms. Both mechanisms operate to pivot the middle frame and the inner frame along horizontal axes such that the pivoting directions of the first mechanism and the second mechanism are essentially parallel to one another. Thus, the '822 patent does not disclose a window in which the second pivoting mechanism is operable to pivot one frame of the window in a direction generally perpendicular to the direction in which a separate frame of the window can be pivoted by a first mechanism as required by each of claims 1, 11 and 19.

As a result, the subject matter of claims 1, 11 and 19 is neither shown nor described in the '822 patent such that claims 1, 11 and 19 are allowable. Further, because claims 2-10 depend from claim 1, and claims 12-18 depend from claim 11, such that each claim includes the subject matter of the independent claim from which it depends and because each independent claim is allowable, the dependent claims are allowable as well.

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Applicant therefore respectfully requests that the Examiner withdraw the rejection to claims 1-19 based on the '822 patent.

b. Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner has also rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over the '822 patent in view of Kunert U.S. Patent No. 5,398,446 (the '446 patent).

Applicant respectfully traverses the Examiner's rejection to claim 20 based on the '822 patent in view of the '446 patent. More specifically, claim 20 depends directly from claim 19 which, as discussed previously, is allowable in light of the '822 patent.

Further, the '446 patent is unable to cure the deficiencies of the '822 patent. In particular, while the '446 patent discloses a pair of movable frame members secured to a stationary outer frame, where the frame members are each individually movable with regard to the outer frame member by separate pivoting mechanisms, similarly to the '822 patent, each of the pivoting mechanisms utilized in the '446 patent allow the movable frames to be moved along pivot axes that are parallel to one another, as opposed to the requirement of claim 19 that the directions in which the respective mechanisms allow the frames to be moved be generally perpendicular to one another.

As a result, the subject matter of claim 19 as incorporated into claim 20 which depends from claim 19 is neither shown nor suggested by the combination of the '822 and '446 patents, such that claim 19, and claim 20 which depends from claim 19, are allowable.

Applicant therefore respectfully requests that the Examiner withdraw the rejection to claim 20.

CONCLUSION

It is submitted that claims 1-20 are in compliance with 35 U.S.C. §§ 102 and 103 and each defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed payable with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication,

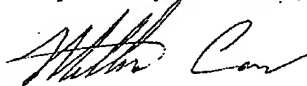
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authorization is given to charge payment of such fees or credit any overpayment to Deposit
Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite
the prosecution and allowance of this application.

Respectively submitted,



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